

Remarks

This Amendment is respectfully submitted in reply to the Examiner's second Official Action dated February 10, 2006. In the second Official Action, the Examiner notes that claims 1-12 and 14-18 are currently pending in the application. Of these claims, claims 17-18 currently stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite, claims 1, 5-10, and 16-17 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 4,067,527 issued to **Streit**, in view of U.S. Patent 4,407,182 issued to **Biasini**, and further in view of U.S. Patent 6,215,054 issued to **Woodhouse**, while claims 12, 14, and 15 have been allowed. In the present Amendment, applicant has made new amendments to claims 1, 2, 6, and 17. No new claims have been added. As a result of the present amendments made to the claims, Applicant respectfully asserts that all of the claims are now in an allowable condition. The Examiner's rejections are traversed below.

Claims 17-18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner has noted that claim 17 is indefinite because it recites "each of said vertically extending support members" and that there is no antecedent basis for such clause. Applicant has now amended such clause to read "each vertically extending support member", for which clause it is believed there a proper antecedent basis. Accordingly, it is respectfully submitted that claims 17-18 now

satisfy the requirements under 35 USC 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Claims 1, 5, 6, 7, 8, 9, 10, 11, 16, and 17 stand rejected under 35 USC 103(a) as being unpatentable over **Streit** and further in view of **Biasini**. Applicant has previously respectfully presented arguments that in his opinion it would not be obvious to combine the teachings of **Streit**, which shows an instrument support comprised of a foldable U-shaped base and a rack for holding heavy instrument, and **Biasini**, which shows a tripod-type stand capable of having telescoping legs, in a manner that would render applicant's invention as claimed obvious in view of such references. While the use of folding or telescopic legs is of course known to reduce the dimensions or size of an apparatus for storage and transportation purposes, applicant again respectfully asserts that there is no teaching in either **Streit** or **Biasini** to set the legs of such stands at various multiple different positions, each of which multiple positions is a fully functional and deployed position, so as to allow such legs to avoid coming into physical conflict with equipment placed in-between or adjacent such legs. The legs of the **Streit** stand are clearly not length adjustable, and the tripod-like legs of the **Biasini** stand telescope only for purposes of fully extending the legs to a use position and fully collapsing the legs to a storage position or for transport of the stand. The **Streit** and **Biasini** stands therefore each have only a single deployed position, while the base of applicant's stand through necessity could be placed with each telescoping leg at numerous different

positions, depending upon the circumstances, each of which positions would be considered a use or fully deployed position. In other words, in simple terms, rather than moving the equipment around the legs, the equipment can be positioned and then the legs adjustably positioned around the equipment.

It is respectfully asserted that the advantages of applicant's arrangement over the prior art music or music equipment support stands are obvious in that the base can be adjusted so that it does not hinder or limit the ability of a musician to arrange or position musical equipment as desired, particularly on a small or crowded stage area. Through the use of applicant's stand, more room is thus made freely available for such equipment on a stage floor or the like, which can be a very significant advantage in cramped or cluttered stage areas or the like where space is at a premium. In addition, such equipment is kept in closer proximity to the musician, which is a significant advantage during most performances.

In the present Amendment, applicant has again amended subparagraph (c) of independent claim 1 to further clarify that the telescopic legs of applicant's stand can be adjusted to encompass apparatus of varying sizes and dimensions in the open areas between such legs. It is respectfully asserted that such further limitation overcomes the obviousness rejection of the Examiner, since neither **Streit** nor **Biasini** discloses

multiple use positions for the legs of such stands, and therefore it is believed that claim 1 is now patentably distinguishable from the known prior art.

In view of the amendments made to independent claim 1, it is also believed that dependent claims 2-5 and 16-18 should also now be allowable. The language of claim 2 has been slightly amended to read more clearly, it is believed, in view of the amendments made to independent claim 1.

Subparagraph (f) of independent claim 6 has similarly been amended to add further language to clarify that the first and second extensions of the base can be adjusted to different positions independent of one another to encompass different pieces of equipment or the like having different sizes and/or dimensions. As with claims 1, it is respectfully asserted that in view of such amendments the claim and all dependent claims are now clearly patentably distinguishable from the prior art references cited by the Examiner.

In view of the above, Applicant respectfully submits that each of the presently pending claims in this application is now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection to the claims and pass the application to issue.

Amendment
Appln. Serial No.: 10/823,092
Examiner: Ramon O. Ramirez
Group Art Unit 3632

It is not believed that any fees are due at this time. However, the Commissioner is authorized to charge any fees due or credit an overpayment to Deposit Account No. 15-0385. A duplicate copy of this sheet is enclosed for the Financial Branch.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clinton H. Wilkinson", with a long horizontal stroke extending to the right.

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